

Applicant : Burnie *et al.*
Serial No. : 10/553,152
Filed : August 4, 2006
Page : 17 of 20

Attorney's Docket No.: 22083-008US1/WA/MC/MP100462US

Amendments to the Drawings:

The attached two sheets of drawings include Figures 1 and 2. The drawings correspond to the Figures filed in the priority application GB0309126.1, from which this application claims priority.

Attachments following last page of this Amendment:

New Sheets: 2 pages.

REMARKS

Claims 19 to 39 are now pending. Claims 19 to 36 have been amended without prejudice. Claims 37 to 39 have been added. The amendments seek, e.g., to correct informalities and claim the invention with even more clarity. New claims 37 to 39 have been added. Support for the amendments and new claims can be found throughout the specification. No new matter has been added.

Drawings

According to the Office Action at page 3:

The subject matter of this application (page 23) admits of illustration by drawings (Figures 1 and 2) to facilitate understanding of the invention. Applicant is required to furnish the drawings under 37 CFR 1.81(c).

Applicants submit herewith Figures 1 and 2 as requested by the Office. The Figures presented were originally filed in the British application GB0309126.1, from which the present application claims priority. Accordingly, the drawings add no new matter. Entry of the drawings is respectfully requested.

Objections to the Specification

The Office Action at pages 2 and 3 objected to the specification for the spelling of various words and for referring to Figures 1 and 2. Applicants have amended the specification and have submitted herewith Figures 1 and 2 as discussed above, thereby obviating these objections. In view of these amendments, applicants request that all objections to the specification be withdrawn.

Double Patenting

The Office provisionally rejected claims 19, 20, and 21 for alleged nonstatutory obviousness-type double patenting over claims 13 and 15 of copending Application No. 11/630,926. Applicants do not agree that the present rejection is proper. However, as noted by the Office, this is a provisional rejection over the co-pending application 11/630,926. Applicants

note that obviousness-type double patenting would become a potential issue only if the co-pending application's claims were allowed and issued before the present claims. As it is not clear (i) which of the above applications will issue first, and (ii) what claims of what scope will be allowed in each application, it is not feasible at this time to properly assess obviousness-type double patenting. Thus, applicants respectfully request deferral of the issue until there is allowable subject matter.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 22 to 36 were rejected as allegedly indefinite for reciting the term "vaccine." Applicants do not agree that this term renders the present claims indefinite. However, in the interest of moving the present application toward allowance, applicants have amended the claims without prejudice to delete the term, thereby obviating the present rejection. Applicants therefore request that the present rejection be reconsidered and withdrawn.

Claims 22 to 36 were rejected as allegedly indefinite for reciting the term "correlating." Applicants do not agree that this term renders the present claims indefinite. The meaning of the term "correlating" would be clear to those of ordinary skill in the art, especially in view of its usage throughout the specification. However, in the interest of expediting prosecution, claim 22 has been amended with out prejudice to delete the term and to instead recite "detecting a set of sequences," thereby potentially obviating the present rejection. Applicants request that the present rejection be reconsidered and withdrawn.

Claim 26 was rejected as allegedly indefinite for reciting the term "pronounced." Applicants respectfully traverse this rejection. According to Merriam-Webster's on-line dictionary (see <http://www.m-w.com/dictionary/pronounced>; a copy of which is attached hereto as Exhibit A) the term "pronounced" means "strongly marked." The specification, for example at page 26, lines 12 and 13, makes clear that a skilled practitioner can determine whether an antibody response is "pronounced," e.g., using Western blotting techniques. Any practitioner skilled in the art would be able to determine whether a patient exhibits a pronounced or "strongly marked" antibody response using these techniques. Skilled practitioners thus would clearly have

understood the metes and bounds of claim 26 and, therefore, claim 26 is not indefinite.
Accordingly, applicants request that the present rejection be reconsidered and withdrawn.

CONCLUSION

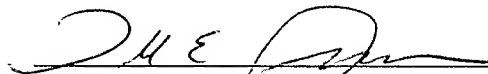
Applicants respectfully submit that all claims are in condition for allowance, which expeditious action is requested. Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do Applicants concede that there are not other good reasons for patentability of the presented claims or other claims. All amendments and withdrawals are made without prejudice and disclaimer and may be made for reasons not explicitly stated or for reasons in addition to ones stated.

Please apply the \$50 excess claim fee and any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket Number 22083-008US1.

Respectfully submitted,

Date: _____

11/26/07



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EXHIBIT A



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pronounced

2 entries found.

pronounced

pronounce

Main Entry: **pro-nounced**

Pronunciation: \-naun(t)st\

Function: *adjective*

Date: circa 1741

: strongly marked : **DECIDED** <a *pronounced* dislike>

— **pro-nounced-ly** \-naun(t)-səd-lē, -naun(t)st-lē *adverb*

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